

CITY COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

CHARTER AMENDMENT RESOLUTION No. R-15-12

Introduced by: City Council
Date Introduced: January 5, 2015
First Reading: January 5, 2015
Second Reading: January 12, 2015
Date Adopted: January 12, 2015
Date Effective: March 3, 2015

A CHARTER AMENDMENT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT, passed pursuant to the authority of Article XI-E of the Constitution of Maryland and §§ 4-302(1) and 4-304 of the Local Government Article of the Maryland Annotated Code to amend the Municipal Charter of the City of Seat Pleasant (as published in Municipal Charters of Maryland, Vol. 7, 2008 Replacement Edition and November 2011 Supplement) for the purposes of replacing the term “Chief Administrative Officer” with the term “City Administrator” to better reflect and clarify the City government’s existing structure, removing outdated and inconsistent language, and correcting typographical errors; providing that the title of this Charter Amendment Resolution shall be deemed a fair summary; and generally relating to the governance of the City of Seat Pleasant.

RECITALS

WHEREAS, pursuant to Article XI-E, § 3 of the Constitution of Maryland, the City Council of the City of Seat Pleasant (the “City Council”), as the legislative body of the City of Seat Pleasant, Maryland (the “Town”), is authorized and empowered to amend the Municipal Charter of the City of Seat Pleasant (the “Charter”); and

WHEREAS, pursuant to Article XI-E, § 4 of the Constitution of Maryland, an amendment to the Charter shall be proposed either by a resolution of the City Council or by a petition containing the signatures of at least twenty (20) percent of the registered voters of the City and filed with the City Council; and

WHEREAS, pursuant to Md. Code Ann., Local Gov’t §§ 4-302(1) and 4-304, the City Council may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in the subtitle, is ordained or passed as in the usual course of considering resolutions in the City government, by a majority of the City Council, and the same shall be subject to the right of referendum; and

WHEREAS, the City Council is desirous of amending the Charter to replace the term “Chief Administrative Officer” with the term “City Administrator” to better reflect and clarify the City government’s existing structure, remove outdated and inconsistent language, and correct typographical errors; and

WHEREAS, the City Council, to provide for the reasonable and appropriate representation of the citizens of the City and to provide for the better management and governance of the City and its affairs, deems it necessary and appropriate for the good government and citizens of the City to amend certain provisions of the Charter as set forth herein.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that, pursuant to the authority of Article XI-E of the Constitution of Maryland and §§ 4-302(1) and 4-304 of the Local Government Article of the Maryland Annotated Code, the Municipal Charter of the City of Seat Pleasant (as published in Municipal Charters of Maryland, Vol. 7, 2008 Replacement Edition and November 2011 Supplement) be, and the same is hereby, amended:

SECTION 1. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the following changes are made to Article VII (Chief Administrative Officer), Section § C-701 of the Charter:

ARTICLE VII
[CHIEF ADMINISTRATIVE OFFICER]
CITY ADMINISTRATOR

Section C-701. Appointment, Compensation, Duties and Removal

- (a) There shall be a full-time ~~[Chief Administrative Officer]~~ **City Administrator** appointed by majority vote of the City Council, who shall serve at its pleasure. The City Council shall fix the compensation of the ~~[Chief Administrative Officer]~~ **City Administrator**.
- (b) The **City Administrator shall be the** Chief Administrative Officer **of the City and** shall have those powers and responsibilities as may be provided by the Charter. The ~~[Chief Administrative Officer]~~ **City Administrator** shall take action and do those things mandated by any Ordinance or Resolution duly enacted by the City Council.
- (c) The ~~[Chief Administrative Officer]~~ **City Administrator** shall represent the City in all matters of day-to-day administration. In this ~~[connection]~~ **capacity**, he or she shall exercise all administrative powers and authority delegated by this ~~[charter]~~ **Charter** or the City Council. He or she shall:
 - (1) Direct and supervise all employees of the City, except the City Clerk who shall be supervised by the City Council;
 - (2) With the Mayor and City Treasurer, prepare an annual budget for submission to the City Council;

- (3) Sign and execute documents on behalf of the City[;] **and** accept services of legal process;
- (4) Report regularly on the business of the City to the City Council; and
- (5) Enforce and implement the duly enacted ordinances of the City Council.
- (d) The ~~[Chief Administrative Officer]~~ **City Administrator** shall report to the City Council on his or her activities and the business of the City not less than once a month and more frequently when circumstances require.
- (e) The ~~[Chief Administrative Officer]~~ **City Administrator** shall recommend to the City Council, Ordinances, Resolutions, and Directives which, if enacted by a majority of the City Council, would enable the ~~[Chief Administrative Officer]~~ **City Administrator** to perform his or her duties under the [City] Charter and effectively conduct business for and on behalf of the City of Seat Pleasant.
- (f) The ~~[Chief Administrative Officer]~~ **City Administrator** may be removed without cause by a majority vote of the entire Council. The Council shall appoint or designate some person to serve for the City Administrator in his/her absence or inability to serve.

SECTION 2. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the following changes are made to § C-820 of the Charter:

Section C-820. Purchasing and Contracts

- (a) **[UNCHANGED]**
- (b) The City Administrator may spend up to three thousand dollars (\$3,000) without Council approval for supplies, materials, equipment, construction of improvements, services and city-related expenses. The City Administrator shall obtain Council approval (which approval may be made by resolution or motion) for any expenditures for supplies, materials, equipment, construction of improvements, services and city-related expenses in excess of three thousand dollars (\$3,000) and up to seven thousand five hundred dollars (\$7,500). Except as otherwise provided in this § C-820, the provider of any supplies, materials, equipment, construction of improvements, services and city-related expenses costing in excess of seven thousand five hundred dollars (\$7,500) shall be selected by competitive bid as established by this Charter and ordinances of the Council and any such expenditures shall be made on written contract. The ~~[Chief Administrative Officer]~~ **City Administrator** shall be required to advertise for sealed bids for any such written contract in such manner as may be prescribed by ordinance. Any such written contract shall be awarded to the bidder who offers the lowest or best bid and the best quality of goods and work and time of delivery or completion, with the responsibility of the bidders considered. By resolution, the Council may approve or authorize one or more appropriate officials to approve any such written contract before the same becomes effective. The Council shall have the right to reject bids and readvertise. The city, at any time in its discretion, may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the city may require.

(c) [UNCHANGED]

(d) [UNCHANGED]

SECTION 3. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the following changes are made to § C-901 of the Charter:

§ C-901. City Treasurer

There shall be a City Treasurer appointed pursuant to § C-403(c) whose compensation shall be determined by the Council. The City Treasurer shall be the financial officer of the City. The financial powers of the City, except as otherwise provided by this Charter, shall be exercised by the City Treasurer under the direct supervision of the [~~Chief Administrative Officer~~] (~~City Administrator~~).

SECTION 4. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the following changes are made to § C-905 of the Charter:

§ C-905. Direction of the [~~Chief Administrative Officer~~] City Administrator

All departments, offices and agencies shall be under the direction and supervision of the [~~Chief Administrative Officer~~] **City Administrator**. However, the [~~Chief Administrative Officer~~] **City Administrator** may only with Council consent appoint an officer to assist him or her in administration of said departments, offices or agencies.

SECTION 5. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that, in this Resolution, unless a section of the Charter is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out and enclosed in bold brackets. Language added after the date of introduction is in italicized, boldface type and text deleted after the date of introduction is crossed out twice and enclosed in bold brackets.

SECTION 6. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, it being the intent of the City Council that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 7. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that to the extent that any section of the Charter is in conflict with the provisions of Sections 1 through 4 of this Resolution, such section or sections be and hereby are repealed to the extent of such conflict.

SECTION 8. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the date of passage of this Resolution is January 13, 2015, and the Charter amendment enacted by this Resolution shall become effective upon the fiftieth (50th) day after passage, or on March 3, 2015, unless a proper petition for a referendum hereon shall be filed on or before the fortieth (40th) day after passage, or on February 20, 2015, as provided by law. A complete and exact copy of this Resolution shall be posted at City Hall, 6301 Addison Road, Seat Pleasant, Maryland 20743, or another main municipal building or public place, for a period of at least forty (40) days following its passage, or until April 3, 2015, and the title to this Resolution, being a fair summary of the Charter amendment enacted hereby, shall be published in a newspaper of general circulation in the City not less than four (4) times, at weekly intervals within a period of at least forty (40) days, starting immediately after the date of its passage, or between January 29, 2015 and February 19, 2015.

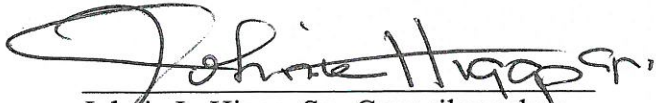
SECTION 9. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that as soon as the Charter amendment enacted by this Resolution shall become effective, either as herein provided or following a referendum, the City Clerk shall send by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services of the State of Maryland, the following documents or information concerning the Charter amendment: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the City Council or in a referendum; and (4) the effective date of the Charter amendment.

SECTION 10. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk is hereby authorized and directed to carry out the provisions of Sections 8 and 9 hereof; and as evidence of compliance herewith, the City Clerk shall cause to be affixed to the minutes of the City Council for the meeting at which this Resolution is passed: (1) a certificate to the effect that this Resolution was duly and properly posted as provided in Section 8 herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendment shall have been published as provided in Section 8 herein; and (3) the return receipt of the mailing as provided in Section 9 herein.

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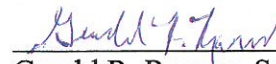
This Charter Amendment Resolution was introduced at a public meeting of the City Council of the City of Seat Pleasant, held on the 5th day of January, 2015, and having been reviewed and considered for final action, was duly passed and adopted on the 12th day of January, 2015.

CITY COUNCIL OF THE CITY OF SEAT PLEASANT


Johnie L. Higgs, Sr., Councilmember

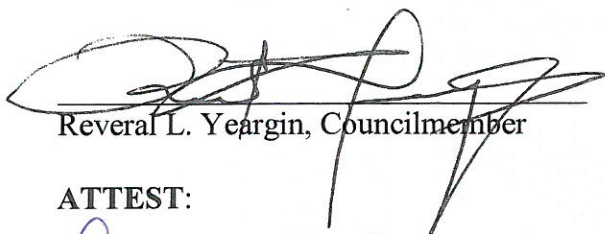
Eugene F. Kennedy, Councilmember

Kelly Porter, Councilmember

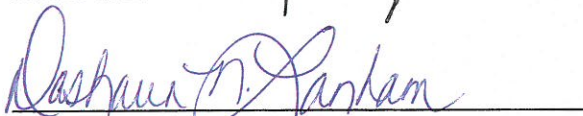

Gerald R. Raynor, Sr., Councilmember


Elenora Simms, Councilmember


Aretha A. Stephenson, Councilmember


Reveral L. Yeargin, Councilmember

ATTEST:


Dashaun N. Lanham, CMC
City Clerk